

# **TUSAYAN PLANNING AND ZONING COMMISSION MEETING**

Thursday, March 24, 2011 @ 6:00 P.M.

Best Western Squire Inn, Zuni Conference Room

74 State Route 64, Tusayan, Arizona

Pursuant to ARS 38-431.02, notice is hereby given to the members of the Tusayan Planning and Zoning Commission and the general public that the Tusayan Planning and Zoning Commission will hold a meeting open to the public at 6:00 p. m. on Thursday, March 24, 2011 at the Best Western Squire Inn

Persons with a disability may request a reasonable accommodation by contacting Greg Bryan (928) 638-8401 as soon as possible.

**AS A REMINDER, IF YOU ARE CARRYING A CELL PHONE, ELECTRONIC PAGER, COMPUTER, TWO-WAY RADIO OR OTHER SOUND DEVICE, WE ASK THAT YOU SILENCE IT AT THIS TIME TO MINIMIZE DISRUPTION OF TODAY'S MEETING.**

## **REGULAR TOWN PLANNING AND ZONING COMMISSION AGENDA**

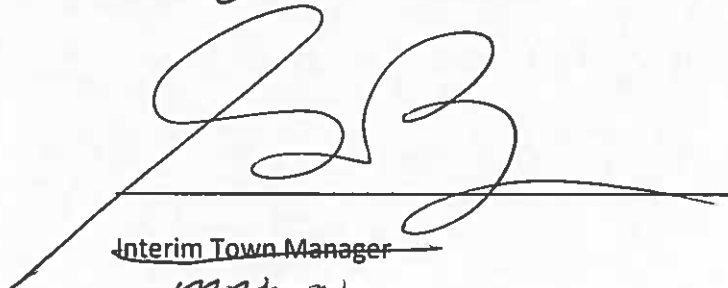
- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA** – *Members of the public may address the Commission on items not on the printed agenda. The Commission may not discuss, consider or act upon any matter raised during public comment. Comments will be limited to three minutes per person.*
- 4. CONSENT AGENDA** – *Items on the Consent Agenda are routine in nature and will be acted on with one motion and one vote. Members of the Commission or staff may ask the Chairman to remove any item from the Consent Agenda to be discussed and acted upon separately.*
  - A. Consideration and possible approval of the Meeting Minutes from previous Planning and Zoning Commission Meeting** – there are not Minutes at this time.

5. **PUBLIC HEARING** on a Request by the South Grand Canyon Sanitary District to Renew a Conditional Use Permit for a Wastewater Treatment Plant and Accessory Structures (UP-90-34, UP-96-01, UP-97-03 and CUP-07-039) on 18.2 Acres in the General Zone. Case No. CUP-10-052.
6. **RECONSIDERATION** of Previous Action on a Request by the South Grand Canyon Sanitary District to Renew a Conditional Use Permit for a Wastewater Treatment Plant and Accessory Structures (UP-90-34, UP-96-01, UP-97-03 and CUP-07-039) on 18.2 Acres in the General Zone. Case No. CUP-10-052.
7. **PUBLIC HEARING** on a Request by Gary Martinson on behalf of Western Discovery Museum, LLC to amend a Conditional Use Permit for a Western Museum with Retail and Four Units of Employee Housing (CUP-09-017) to Allow a Restaurant, Bar, Live Entertainment and Retail Uses on 1.0 Acre in the CG-10,000 (Commercial General) Zone. Case No. CUP-2011-01.
8. **CONSIDERATION** of a Request by Gary Martinson on behalf of Western Discovery Museum, LLC to amend a Conditional Use Permit for a Western Museum with Retail and Four Units of Employee Housing (CUP-09-017) to Allow a Restaurant, Bar, Live Entertainment and Retail Uses on 1.0 Acre in the CG-10,000 (Commercial General) Zone. Case No. CUP-2011-01.
9. **PUBLIC HEARING** on a Request to Amend the Town of Tusayan Building Code (2005 National Electric Code) by Adding a New Section Relating to Underground Utilities. ORDINANCE NO. 2011-04-20-01.
10. **CONSIDERATION** of a Request to Amend the Town of Tusayan Building Code (2005 National Electric Code) by Adding a New Section Relating to Underground Utilities. ORDINANCE NO. 2011-04-20-01.
11. **PUBLIC HEARING** on a Request to Amend the Town of Tusayan Zoning Ordinance to Delete Section 17, "Lighting", and Add a New Section 17, "Lighting". ORDINANCE NO. 2011-04-20-02.
12. **CONSIDERATION** of a Request to Amend the Town of Tusayan Zoning Ordinance to Delete Section 17, "Lighting", and Add a New Section 17, "Lighting". ORDINANCE NO. 2011-04-20-02.
13. **ADJOURNMENT OF REGULAR PLANNING AND ZONING COMMISSION MEETING**

**CERTIFICATION OF POSTING NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this March 22, the agenda of the Tusayan Planning and Zoning Commission, date of meeting March 24, 2011 in accordance with the statement filed by the Tusayan Town Council.

Posted at the Tusayan General Store, at 11:30 AM this 22<sup>nd</sup> day of March 2011.

  
Interim Town Manager  
MAJON

## TOWN OF TUSAYAN STAFF REPORT

**Date:** March 15, 2011

**To:** Tusayan Planning and Zoning Commission

**From:** Richard Turner, AICP, Contract Planner

**Subject:** Public Hearing and Reconsideration of Case No. CUP-10-052, a Request to Renew a Conditional Use Permit (UP-90-34, UP-96-01, UP-97-03 and CUP-07-039) for a Wastewater Treatment Plant and Accessory Structures in the General Zone.

**ISSUE:** Should the Town reconsider its previous decision on this application for renewal of a Conditional Use Permit for the community wastewater treatment plant?

**BACKGROUND:** Prior to the filing of subject application to renew a Conditional Use Permit (CUP) on this site (CUP-10-052), there were 4 separate CUP approvals. The initial CUP was approved in 1990. All previously approved applications have the same expiration date of October 30, 2010. Subject application was filed prior to the expiration date, on September 16, 2010.

The Tusayan Town Council, acting as the Planning and Zoning Commission, approved CUP-10-052 on November 17, 2010. That approval was subject to a number of conditions. Subsequently, the applicant and owner, South Grand Canyon Sanitary District, expressed dissatisfaction with the decision of the Town, and in particular, the condition of approval of the CUP that relates to access. That condition reads as follows:

"The South Grand Canyon Sanitary District shall cooperate in the planning and provision of access to surrounding properties."

The Town has consented to place this case on the Planning and Zoning Commission agenda for possible recommendation regarding the its prior action. In a letter dated February 15, 2011, the Superintendent of the District requests acceptance of the previously filed application for renewal of the CUP.

**DISCUSSION AND ANALYSIS:** The property in question is an existing, operating wastewater treatment plant located on 18.2 acres at the west end of town. Coconino Wash runs from east to west along the southern edge of the property. The wash has been channelized to protect the facilities in the event of a flood. Two employee residences are located on the property. Most of the surrounding property is Forest Service land. Canyon Pines Mobile Home Park is located southeast of the facility.

The Coconino County Community Development Department stated in a staff report for the November 17<sup>th</sup> meeting of the Tusayan Town Council, acting as the Planning and Zoning Commission that the site appeared to be well maintained. The only issue identified by County staff was two unpermitted buildings. The applicant has recently obtained the proper permits for these structures.

Most of the conditions attached to the previous approval of CUP-10-052 are advisory in nature. They are stipulations that remind the applicant of the Town's or other agencies requirements. These conditions are not essential to the continued satisfactory operation of this facility. The condition regarding access is very general. Staff does not object to excluding this condition from a future motion and decision on this case. Finally, a 20 year time limit would appear to be appropriate given the permanent nature of the use and the benefits it provides the community.

The Zoning Ordinance requires that the Planning and Zoning Commission make certain findings before approving a Conditional Use Permit (Section 20.3-7). These findings are as follows:

- a. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
- b. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- c. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances.
- d. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the General Plan or Specific Plan for the area.

Staff believes that the proposed Conditional Use satisfies each of the above criteria.

**FISCAL IMPACT:** There would appear to be no direct fiscal consequence to the reconsideration of this CUP application.

**RECOMMENDATION:** It is recommended that the Planning and Zoning Commission recommend that the previous decision on this application, CUP-10-052 be rescinded. Further, it is recommended that CUP-10-052 be approved based on the following findings and subject to the following conditions:

- a. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
- b. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- c. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance.
- d. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the Tusayan Area Plan.
- e. That this Conditional Use Permit shall expire on October 30, 2030. An application to renew the Conditional Use Permit is required to be submitted prior to that date.

**Attachments:** Case Map and Letter from Robert Petzoldt, Superintendent of the South Grand Canyon Sanitary District dated February 15, 2011.







**South Grand Canyon  
Sanitary District**

PO Box 3055  
Grand Canyon, AZ 86023  
938-838-0908 Phone / Fax

February 15, 2011

Tusayan City Council and  
Tusayan Planning and Zoning Commission  
Care Of: Cynthia Seelhammer  
PO Box 709  
Tusayan, AZ 86023

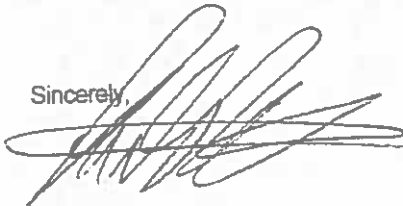
Re: CUP-10-052 Re-Submittal Request

Dear Sirs:

Please accept this letter as formal request to accept the Sanitary District's prior / initial CUP Renewal Application for the new P&Z proceedings.

If you have any questions, please feel free to contact me at the above number.

Sincerely,



Robert Petzoldt  
Superintendent

Received by: Cy

Printed Name: Cynthia Seelhammer

Title: Tusayan Town Mgr

On this 15th day of February, 2011.

## TOWN OF TUSAYAN STAFF REPORT

**Date:** March 16, 2011

**To:** Tusayan Planning and Zoning Commission

**From:** Richard Turner, AICP, Contract Planner

**Subject:** Public Hearing and Consideration of Case No. CUP-2011-01, a Request to Amend a Conditional Use Permit for a Western Museum with Retail and Four Units of Employee Housing (CUP-09-017) to Allow a Restaurant, Bar, Live Entertainment and Retail Uses in the CG-10,000 (Commercial General) Zone.

**ISSUE:** Should the Town approve this application to permit a restaurant with a saloon/bar and live entertainment where they had previously approved a museum?

**BACKGROUND:** On May 26, 2009 the Coconino County Planning and Zoning Commission approved Conditional Use Permit application CUP-09-017. The approval of that application authorized the development of subject property with a building to house a western museum, retail uses and 4 employee housing units. A copy of the resolution approving CUP-09-017 is attached to this report.

**DISCUSSION AND ANALYSIS:** Subject property is approximately one acre in size and is located on the east side of Highway 64, immediately north of a gift shop. Until recently, the building on the site housed a western museum. The applicant, Gary Martinson, proposes to change the use of the building to a restaurant with live entertainment and a bar/saloon. Also included are other, smaller restaurant type uses and small retail uses. The employee housing, located on the second floor of the building, will remain. A copy of the site plan and proposed floor plan are attached to this report.

Many of the development related issues ordinarily associated with the review of this type of application are not relevant since the site has already been developed with the building that will be used for the new uses. In fact, with the exception of new signage, the applicant will only be making internal modifications to the building if this application is approved.

Along with the approval of CUP-09-017, the applicant received approval of a parking waiver. The waiver allowed 43 automobile parking spaces and 3 bus parking spaces in lieu of the required 59 parking spaces. Staff has re-calculated the required parking based on the new uses. It is estimated that a total of 62 spaces would be required to meet the parking requirement, or an increase of five (5) percent. The Zoning Ordinance (Section 15.1.C) provides that in the event of a change in use, no additional parking is required if the change in use results in a 10 percent or less change in the number of spaces required. Accordingly, staff supports the continuation of the waiver granted with CUP-09-017.

Parking is perhaps the biggest potential impact as a result of this change in use. Staff believes that the amount of parking provided will be adequate. That is our professional opinion, based on an analysis of the floor plan, the Zoning Ordinance parking requirements and the parking waiver. However, if the



Commission believes that there is the possibility for a parking problem as a result of the proposed change of use, then a condition should be added to the approval of this application requiring a parking study and parking alternatives that would be presented for review by the Commission, one year from the approval of this application. The Commission could accept the report, or initiate an action to reconsider the CUP for the purpose of requiring measures that would be taken to resolve the parking problem.

The Zoning Ordinance requires that the Planning and Zoning Commission make certain findings before approving a Conditional Use Permit (Section 20.3-7). These findings are as follows:

- a. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
- b. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- c. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances.
- d. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the General Plan or Specific Plan for the area.

Staff believes that the amended Conditional Use satisfies each of the above criteria.

**FISCAL IMPACT:** The new uses should be expected to generate more revenue for the Town, County and State in the form of increased sales taxes than the western museum.

**RECOMMENDATION:** It is recommended that the Planning and Zoning Commission recommend Case No. CUP-2011-01, a Request to Amend a Conditional Use Permit for a Western Museum with Retail and Four Units of Employee Housing (CUP-09-017) to Allow a Restaurant, Bar, Live Entertainment and Retail Uses in the CG-10,000 (Commercial General) Zone be approved based on the following findings and subject to the following requirements and conditions:

- a. The proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
- b. That the proposed location of the conditional use and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- c. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances (parking waiver).
- d. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the Tusayan Area Plan.
- e. The following future uses of this building are authorized by this approval: restaurant with live entertainment, bar/saloon and ancillary restaurant and retail uses as well as existing employee housing and accessory uses.
- f. The parking waiver approved with CUP-09-017 is affirmed.

- g. This Conditional Use Permit is valid for a period of ten (10) years from the date of approval. A request to renew the Conditional Use Permit must be filed prior to its expiration date.**

**Attachments: Case Map; Application; Resolution 2902 Approving CUP-09-017; Site Plan; Proposed Floor Plan**

Coconino County, AZ - 2/25/2011



Disclaimer: Map information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Colton County that may arise from the use of this data.

Map scale 1:2039

# TOWN OF TUSAYAN

Contact information  
Willdan Engineering

P (602) 395-7532  
F (602) 870-7601

E (rbrooks@willdan.com)  
(lstump@willdan.com)

## CONDITIONAL USE PERMIT APPLICATION

### APPLICANT

Name Western Discovery Museum LLC

Mailing Address P.O. Box 26172  
Scottsdale, AZ 85255

Contact Person GARY MARTINSON

Phone 480-229-5511 Fax \_\_\_\_\_

Email GARY.MARTINSON@BISONHUNES.COM

### PROPERTY INFORMATION

Assessor's Parcel # 502-17-0013, 0041E + 0041H

Subdivision \_\_\_\_\_

Unit # \_\_\_\_\_ Lot # \_\_\_\_\_

Address/Location \_\_\_\_\_

Existing Zoning Commercial General 10000

Existing Land Use Commercial

Lot Size 43,000 S.F.

### CONDITIONAL USE PERMIT REQUEST

Please provide a brief description of the request.

To Amend an Existing CUP  
To allow for Food & Beverage  
Service along with a  
Western/Music Show.

### SUBMITTAL CHECKLIST

☒ Pre-application meeting with a staff planner of the Community Development Department.

Date met with staff for pre-application 2/1/11

☐ A citizen participation plan. (See attached guidelines)

☒ A non-refundable filing fee. (See attached guidelines) \$400.00

☐ A typewritten narrative describing the request and conformance to the findings for a conditional use permit. (See attached guidelines)

☐ A typewritten list of names and addresses of all property owners within 300 feet of subject property.

☐ Fifteen copies of all plans and drawings as indicated by the staff planner at the pre-application meeting. (See attached guidelines)

All materials must be folded to fit in a legal-size file (8"x4") and labeled so that the applicant's name and project location are visible.

### CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Department of Community Development access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

GARY MARTINSON, President

Date 2/16/11

Signature of Property Owner (if not the applicant)

ELLING HALVORSON, Owner

Date 2/22/11

### OFFICE USE ONLY

Received By \_\_\_\_\_ Date \_\_\_\_\_

Receipt # \_\_\_\_\_ Fee \_\_\_\_\_

Case # \_\_\_\_\_

Related Cases \_\_\_\_\_

Appeal Filed By \_\_\_\_\_ Date \_\_\_\_\_

Receipt # \_\_\_\_\_ Fee \_\_\_\_\_

### COMMISSION ACTION

☐ Approved with Conditions (see attachments)

☐ Denied

Resolution # \_\_\_\_\_ Date \_\_\_\_\_

### BOARD ACTION

☐ Approved with Conditions (see attachments)

☐ Denied

Ordinance # \_\_\_\_\_ Date \_\_\_\_\_

2/23/11

RESOLUTION NO. 2902

A RESOLUTION OF THE  
COCONINO COUNTY  
PLANNING AND ZONING COMMISSION

GRANTING A CONDITIONAL USE PERMIT

The Planning and Zoning Commission of Coconino County does resolve as follows:

SECTION 1: The Planning and Zoning Commission does hereby find and determine that an application was duly initiated by Bison Homes, Scottsdale, Arizona (Case No. CUP-09-017), with respect to the real property described as follows:

One acre in the Commercial General Zone located on the east side of Highway 64 north of McDonald's in Tusayan and identified as Assessor's Parcel Numbers 502-17-001J, 004J, and 004H.

requesting a Conditional Use Permit for a western museum with retail and for four units of employee housing, that a hearing was duly set for Tuesday, May 26, 2009, at 5:30 P.M. in the Board of Supervisors' Meeting Room, County Administrative Center, 219 East Cherry Street, Flagstaff, Arizona; and a notice of the date, time, place and purpose of aforesaid hearing was posted in the area; that a hearing was duly held at aforementioned time and place.

SECTION 2: The Planning and Zoning Commission further finds and determines that facts DO exist as required in the Coconino County Zoning Ordinance justifying the granting of a Conditional Use Permit Case No. CUP-09-017.

SECTION 3: Based on the aforementioned findings, the Commission hereby GRANTS with respect to the property described in Section No. 1 above, a Conditional Use Permit subject to the following conditions:

1. Development shall substantially conform to the plans and elevations as submitted and described above, and as modified through these conditions. This approval is specifically for a Western-themed museum and four employee housing units for employees of the museum and other on-site businesses.
2. The site development shall be redesigned so that the building is set back further from the property line and/or the building shall be modified to reduce the bulk and mass. The structure shall be built of native rock façade and roof elevations inspired by Grand Canyon rustic design.
3. Any special events must comply with all of the requirements for temporary use permit process, or if in excess of what can be administratively approved will require modification of this use permit.
4. An impervious surface ratio calculation shall be provided with the final plans demonstrating conformance with the Tusayan DRO.



5. Prior to any site improvement, grading, or permits a hydrology study detailing the 100 year flood elevations, location of the 100 year floodplain and floodway, and other pertinent flood hazard reduction factors shall be submitted and approved by the County Floodplain Administrator.
6. Development shall conform to the requirements of Section 13.6 of the County Zoning Ordinance for development in flood hazard areas.
7. The development shall be served by connection to the community sewer system, including double plumbing for reclaimed water usage.
8. The development shall be tied into one of the community's water systems for potable water use.
9. A grading and drainage plan shall be submitted and developed in accordance with the requirements of the County Public Works Department. The permit shall be obtained prior to any site disturbance.
10. All requirements of the County Building Department shall be complied with and requisite permits obtained prior to the initiation of construction on the site. A demolition permit is required for removal of the additions to the maintenance/storage building. A special inspection may be required for any improvements associated with that structure.
11. A landscaping plan shall be submitted in compliance with the provisions of Section 18 of the County Zoning Ordinance and the Tusayan DRO. Landscaping shall be maintained utilizing reclaimed water per the proposal.
12. All signing shall be in compliance with the provisions of Section 16 of the County Zoning Ordinance and the Tusayan DRO. A sign permit is required prior to establishment of any signs on the property. Directional signing for bus parking and auto parking shall be included in the sign plan.
13. Outdoor display of sculpture/statues is limited to one 8'6" tall bronze "Bronco Buster" as proposed. Any additional outdoor display will require modification of this use permit.
14. All lighting shall be in compliance with the provisions of Section 17 of the County Zoning Ordinance and the Tusayan DRO. All lighting shall be fully shielded. A lighting permit is required in conjunction with the building permit for the structure.

15. All parking and circulation shall be developed in compliance with the provisions of Section 15 of the County Zoning Ordinance and the requirements of the County Public Works Department. Paving is required for the access drive, circulation, and parking areas. The access road to the north shall be subject to the requirements of the County Public Works Department.
16. A waiver is approved from the required 59 parking spaces to allow 43 standard parking spaces and 3 bus parking spaces.
17. All development shall be in compliance with the provisions of Section 11 of the County Zoning Ordinance for the CG-10,000 Zone.
18. The use shall be operated as outlined in the applicant's submittal except that the museum displays shall emphasize and focus on the regional context of the historic and cultural aspects per the Tusayan Area Plan. A description of how these will be incorporated into the museum displays shall be provided prior to or in conjunction with the building permit application.
19. The use permit for the operation of the museum shall be valid for a period of ten years to expire May 26, 2019. If at the end of that period the use is to be continued an application for renewal shall be submitted for review and approval by the Planning and Zoning Commission.
20. A mission statement shall be required outline the goals.

SECTION 4: This action shall become final fifteen (15) days after the date of adoption of this Resolution unless during that time a written appeal is taken to the Coconino County Board of Supervisors.

SECTION 5: The Secretary shall certify to the adoption of this Resolution and shall transmit a copy to the applicant(s).

ADOPTED and APPROVED this 26<sup>th</sup> day of May, 2009

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Chairperson, Coconino County  
Planning and Zoning Commission

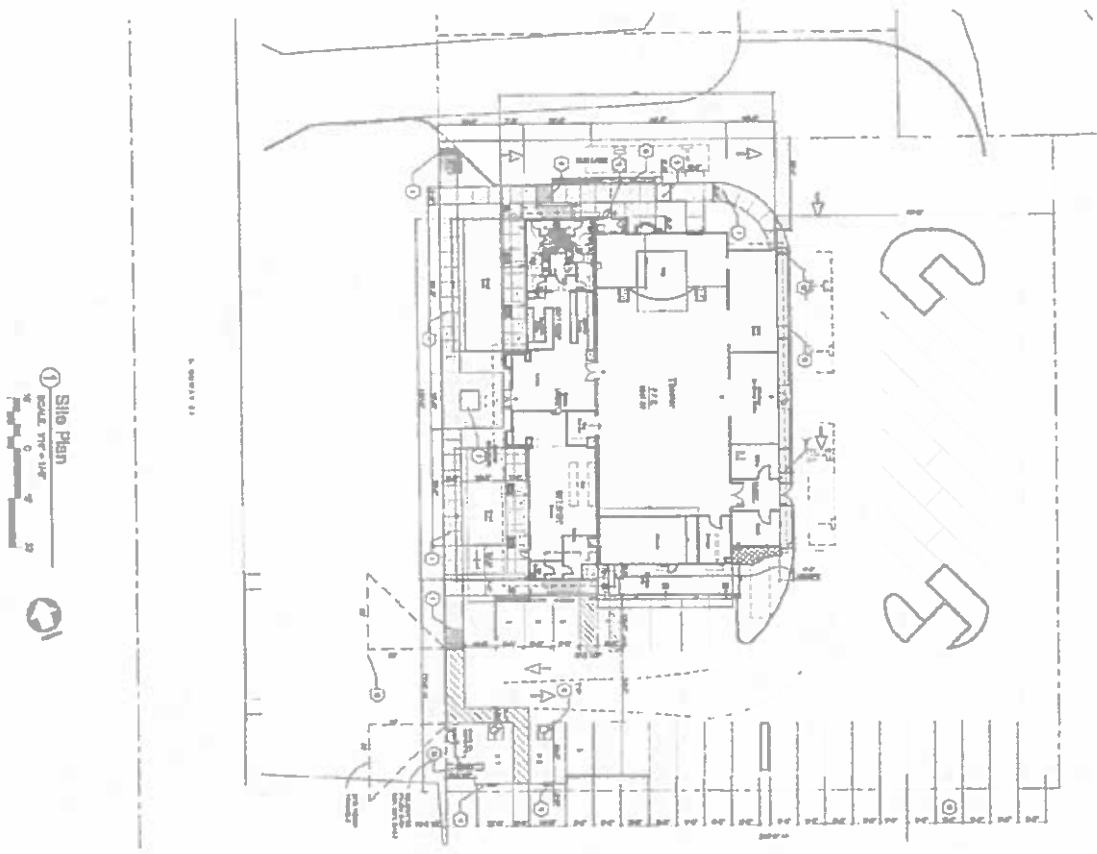
Resolution No. 2902  
Case No. CUP-09-017  
Page Four

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning and Zoning Commission of Coconino County at a regular meeting thereof held the 26th day of May, 2009, by the following vote of the Commission:

|              |  |
|--------------|--|
| AYES:        | Buzzard, Anderson, Baca, Best, Cooper, Flores, Sacher, Stewart, Taylor |
| NOES:        | None   |
| ABSTENTIONS: | None   |
| ABSENT:      | None   |

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Secretary, Coconino County  
Planning and Zoning Commission



| PROJECT DATA       |                                   |
|--------------------|-----------------------------------|
| Project Name       | Grand Canyon Wild West Experience |
| Project Location   | Tusayan, Arizona                  |
| Project Owner      | Grand Canyon National Park        |
| Project Architect  | Grand Canyon National Park        |
| Project Engineer   | Grand Canyon National Park        |
| Project Designer   | Grand Canyon National Park        |
| Project Contractor | Grand Canyon National Park        |
| Project Date       | 12-29-09                          |
| Project No.        | 09-102                            |
| Project Rev.       | 01                                |
| Project Status     | Complete                          |
| Project Notes      | See Key Notes                     |

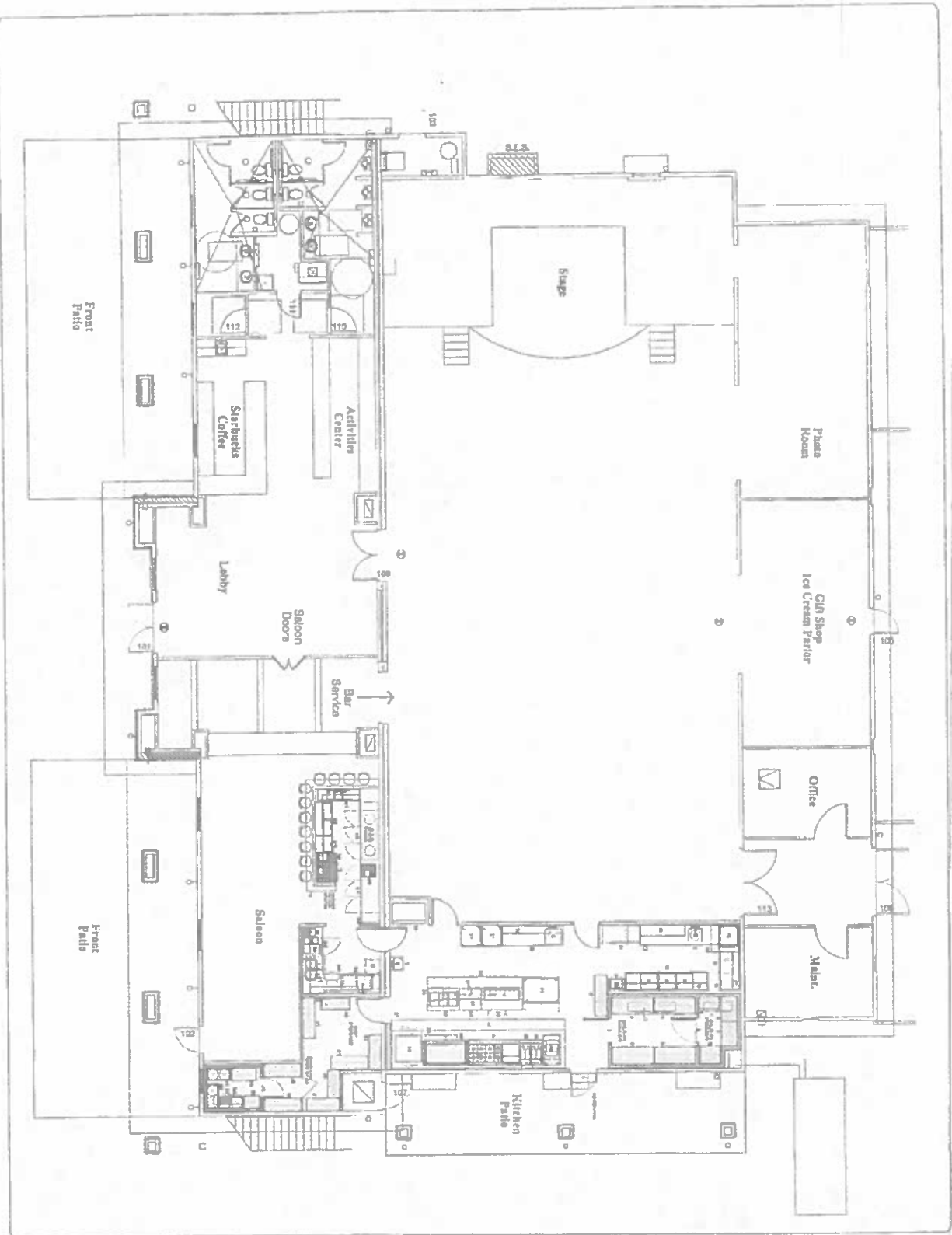
**Grand Canyon**  
**Wild West Experience**  
TUSAYAN, ARIZONA

**STAVE**  
ARCHITECTS

**KEY NOTES**

1. SEE KEY PLAN FOR SITE LOCATION
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2/23/11



**WILD WEST EXPERIENCE**  
**TUSAYAN, ARIZONA**  
 Foodservice Equipment Plan

**JB**  
 JAMES BROCKMAN  
 Foodservice Equipment Plan  
 1/13

**K101**

2/25/11



March 8, 2011

RE: Public Hearing on Conditional Use Permit No. CUP-2011-01

Dear Sir or Madam:

This is to provide you notice that the Tusayan Town Council, acting as the Tusayan Planning and Zoning Commission, will hold a public hearing on the above referenced application on Thursday, March 24, 2011 at 6:00 PM at the Best Western Squire Inn, Zuni Conference Room, 74 State Route 64, in Tusayan, Arizona. CUP-10-052 is a request by Gary Martinson on behalf of the property owner, Western Discovery Museum, LLC, to amend a Conditional Use Permit to allow a restaurant, bar and retail uses on approximately one acre located on the east side of Highway 64, north of the Monarch II Gift Shop. The property is identified as Coconino County Assessor's Parcel Nos. 502-17-001J, 502-17-004JE and 502-17-004H. A copy of a map showing the location of the property is enclosed.

You are being provided with this notice since, according to the records of the Coconino County Assessor; you own property within 300 feet of the subject property.

For additional information on this matter, please call 928-638-9909 or 602-870-7600.

Sincerely,

Richard A.G. Turner, AICP  
On behalf of the Town of Tusayan

enclosure

NOTICE IS HEREBY GIVEN that the Tusayan Town Council in their capacity as the Town of Tusayan Planning and Zoning Commission will hold a public hearing to consider Case No. CUP-2011-01, a request to amend a Conditional Use Permit (CUP-09-017) to allow a restaurant, bar and retail uses on approximately one acre in the CG-10,000 – Commercial General Zone, located on the east side of Highway 64, north of the Monarch II Gift Shop and identified as Assessor's Parcel Nos. 502-17-001J, 502-17-004JE and 502-17-004H. The applicant is Gary Martinson and the property owner is Western Discovery Museum, LLC. The public hearing will be held at 6:00 PM, on Wednesday, March 24, 2011, in the Zuni Conference Room at the Best Western Squire Inn, 74 State Route 64, Tusayan, Arizona. Any person wishing to testify may file a written statement prior to that time and/or may appear and be heard.

## TOWN OF TUSAYAN STAFF REPORT

**Date:** March 14, 2011

**To:** Tusayan Planning and Zoning Commission

**From:** Richard Turner, AICP, Contract Planner

**Subject:** Public Hearing and Consideration of Ordinance No. 2011-04-20-01, an Amendment to the Building Code (National Electric Code, 2005 Edition) to Add a Section Requiring Underground Utilities

**ISSUE:** Should the Town require that all future electric and communication lines be installed underground?

**BACKGROUND:** Staff was asked to draft an ordinance that would require all future utilities (electric, telephone and television wires) be installed underground. On February 16, 2011, the Town Council directed staff to proceed with scheduling hearings on a draft ordinance.

**DISCUSSION AND ANALYSIS:** The Town has adopted the Coconino County Building Code as its Building Code. Included in the set of adopted Codes is the 2005 Edition of the National Electric Code. Staff believes this is the appropriate code to amend to require that future utilities be placed underground.

The Town's Subdivision Ordinance requires that all utilities installed in conjunction with subdivision improvements be installed underground (Section 6.4.1.H.1 of the Subdivision Regulations). The proposed ordinance and amendment to the Building Code would apply to development/construction that was not part of a new subdivision.

The proposed ordinance provides for definitions of terms and a waiver from the undergrounding requirement that would be issued by the Town Council. Criteria for granting a waiver are also included along with a description of certain types of above ground utility construction that would be exempt from the waiver requirement.

Approval of an ordinance that requires that all new electric, telephone and television lines are installed underground is entirely consistent with Utility Policy No. 1 as contained in the adopted Tusayan Area Plan. This policy states as follows:

"Wherever possible, the underground placement of utilities shall be required for all new developments."

Requiring that all new electric and communication lines be installed underground supports the community vision as stated in the Area Plan and will also promote the aesthetic appeal of the Town.

Should the Planning and Zoning Commission recommend approval of this Ordinance on March 24th, it would be scheduled for hearing and consideration by the Town Council on April 20, 2011.

**FISCAL IMPACT:** There is no anticipated fiscal impact that would result from the adoption of this ordinance.

**RECOMMENDATION:** It is recommended that the Planning and Zoning Commission recommend approval of Ordinance No. 2011-04-20-01, an Amendment to the Building Code (National Electric Code, 2005 Edition) to Add a Section Dealing with Underground Utilities.

**Attachments:** Draft of Proposed Amendment to the Building Code (2005 Edition of the National Electric Code), Ordinance No. 2011-04-20-02

## **ORDINANCE NO. 2011-04-20-01**

### **Article 90.12 Underground Utilities**

#### **(A) Definitions; in this article unless the context requires otherwise:**

- (1) "Distribution feeder" means that portion of the distribution system feeding from a distribution substation to a specific load area having a capacity of over three thousand KVA.**
- (2) "Existing utility poles and wires" means such poles and wires and other facilities as are in place and in operation as of the effective date of this ordinance and including repairs, replacements, relocations on the same alignment, enlargements, betterments, changes or improvements herein made to increase service capabilities of existing utility poles, wires, service drops and other facilities, but it does not include extensions made to existing distribution lines.**
- (3) "Transmission line" means an electric line used for the bulk transmission of electricity between generating or receiving points and major substations or delivery points, having a rating of over twelve thousand volts.**
- (4) "Utility poles and wires" means poles and structures, wires, cables, transformers and all other facilities used in or as a part of the distribution of telephone, telegraph, radio or television communications.**

#### **(B) Requirement to Underground Utilities, Provision for Waiver and Exceptions**

After the effective date of this ordinance, no new utility poles and wires shall be erected in the town above the surface of the ground unless approval of a waiver from this requirement is first secured from the Town Council; except that the following construction may be installed without such waiver:

- (1) Temporary service facilities, such as facilities to furnish emergency service during an outage, facilities to provide service to construction sites, or other service of a limited duration, such as to a fair, carnival, outdoor exhibit or other function where the facilities will be installed for a temporary period only.**
- (2) Pad-mounted transformers or pull boxes, service terminals, pedestal-type telephone terminals, telephone splice closures, or similar on-the-ground facilities normally used with and as a part of an underground electric distribution, telephone, telegraph, or television system or on-the-ground facilities attached to existing overhead facilities which are used for the purpose of connecting an underground system with the existing facilities.**
- (3) Transmission lines and distribution feeder lines, together with related switch yards, substations and related equipment. Service drops from existing overhead lines to new**



single family residential customers, except when underground service is required by the Town's subdivision regulations.

**(C) Procedure for Obtaining Approval of Waiver**

Any person seeking a waiver to allow the erection of any new utility poles and wires within the town boundaries and above the surface of the ground shall first make application therefore to the Town Council . The Town Council shall approve or deny the application. Approval of an application for a waiver allowing above ground erection of new utility poles and wires may be granted only in the event that the applicant makes an affirmative showing that the public's general health, safety and welfare and that of adjacent property owners will not be impaired, endangered or jeopardized by the proposed erection. In deciding such matter, the following factors shall be considered:

- (1) The location and height of such poles and wires and their relation to present or potential future roads.
- (2) The crossing of such lines over much travelled highways or streets; the proximity of such lines to places where people congregate.
- (3) The probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields.
- (4) Fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of fire-fighting equipment.
- (5) The future conditions that may be reasonably anticipated in the area in view of a normal course of development.
- (6) The practicality and feasibility of underground installations of such facilities with due regard for the comparative costs between underground installations; but a mere showing that an underground installation shall cost more than an over-ground installation shall not in itself necessarily justify approval of a waiver.

## TOWN OF TUSAYAN STAFF REPORT

**Date:** March 16, 2011

**To:** Tusayan Planning and Zoning Commission

**From:** Richard Turner, AICP, Contract Planner

**Subject:** Public Hearing and Consideration of Ordinance No. 2011-04-20-02, Amending the Tusayan Zoning Ordinance to Delete Section 17, Lighting and Adopt a New Section 17, Lighting

**ISSUE:** Should the Town adopt new, more restrictive outdoor lighting regulations?

**BACKGROUND:** Staff was asked to research other jurisdiction's outdoor lighting regulations and report back to the Town Council. Information was presented to the Town Council in a report at the March 2, 2011 meeting. Staff has prepared a draft ordinance that incorporates the recommendations contained in the March 2<sup>nd</sup> staff report. The draft ordinance also addresses the issue of street lighting in public right-of-way. A copy of the proposed draft regulations is attached to this report. The proposed regulations would replace the existing Section 17, Lighting, in the Zoning Ordinance.

**DISCUSSION AND ANALYSIS:** The Town already has a "Dark Sky" or outdoor lighting regulation. With the adoption of the Coconino County Zoning Ordinance, the Town became subject to the provisions of Section 17, Lighting. Section 17 prescribes three levels or districts of regulations depending on distance from astronomical observatories. Tusayan is in Zone III, the least restrictive of all the zones.

The *proposed* outdoor lighting or "dark sky" ordinance drafted by staff is based on the regulations for Zone 1 of the existing regulations. Properties in Zone 1 are those closest to astronomical observatories and are subject to the most restrictive outdoor light controls. The draft ordinance makes no reference to "zones" since it is proposed that the entire Town be subject to the same set of regulations.

An exception to the Zone 1 regulations found in the draft ordinance is the proposed curfew. The Zone 1 curfew is 9:00 PM. The Zone 3 curfew is 11:00 PM which is more appropriate for a tourist oriented community such as Tusayan. Accordingly, 11:00 PM is the recommended curfew.

Staff also addressed the recent Town approval of street lights. Section 17.8, "Exemptions", provides that streetlights installed in the public right-of-way are exempt from the provisions of the ordinance. Additional scrutiny is afforded by the requirement for Town Council approval of the exemption. Municipalities are often exempted from regulation when the public benefit of the service requiring the exemption outweighs the public cost of complying with the regulation, or in some cases, not providing the service at all. This appears to be the case with the Town's purchase of street lights.

Legally established non-conforming outdoor lighting will not be required to comply with the provisions of the new ordinance unless said lighting is abandoned or damaged to the point of needing repairs for safe operation. Mercury vapor lights and bottom mounted outdoor advertising sign lighting is not allowed under the existing ordinance and not allowed under the proposed code.

Approval of a more restrictive dark sky ordinance is consistent with adopted policy documents. The Tusayan Area Plan serves as the General Plan for the Town of Tusayan. Goal number 3 in the Natural Resources and Environmental Quality chapter states as follows:

“Every effort shall be made to minimize the amount of outdoor lighting in order to preserve the dark night sky without jeopardizing reasonable utility, safety, and security concerns.”

Policy number 13 in this same chapter states as follows:

“Every effort shall be made to protect the night sky from unnecessary lighting and glare. The Tusayan Area shall conform to the provisions of Zone III of the Lighting Ordinance, but requiring that all fixtures be fully shielded.”

Should the Planning and Zoning Commission recommend approval of this Ordinance on March 24th, it would be scheduled for hearing and consideration by the Town Council on April 20, 2011.

**FISCAL IMPACT:** There is no anticipated fiscal impact that would result from the adoption of this ordinance.

**RECOMMENDATION:** It is recommended that the Planning and Zoning Commission recommend deletion of the existing Section 17, Lighting, from the Zoning Ordinance and approval of Ordinance No. 2011-04-20-02, a new Section 17, Lighting.

**Attachments:** Draft of Proposed Amendment to the Zoning Ordinance, New Section 17, Lighting, Ordinance No. 2011-04-20-02; Existing Zoning Ordinance Section 17, Lighting

## PROPOSED OUTDOOR LIGHTING ORDINANCE NO. 2011-04-20-02

### SECTION 17: LIGHTING

#### Section 17.0: Purpose and Intent

##### Legislative Intent

- A. It is hereby found that the atmospheric conditions of the Town of Tusayan, Arizona, and the surrounding area are uniquely suited for astronomical observation. It is further recognized that naturally dark landscapes and star-filled skies are valued by many, and that poor lighting practices in outdoor lighting waste energy, hamper the use and enjoyment of property and can endanger the public welfare by producing unnecessary glare.
- B. Accordingly, it is the intent of this Ordinance to encourage lighting practices and systems which will minimize light pollution, light trespass, and conserve energy while maintaining night-time safety, utility, security and productivity.

#### Section 17.1: Conflicting Regulations

- A. In the event of conflict between the regulations set forth in this Ordinance and any other regulations, the more stringent limitation and requirement shall govern.

#### Section 17.2: Approval of Materials and Methods of Construction or Installation/Operation

- A. The provisions of this Ordinance are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved by the Town Manager. The Town Manager may approve such proposed alternate provided he/she finds that it:
  1. Provides at least approximate equivalence to the applicable specific requirements of this Ordinance; and
  2. Is otherwise satisfactory and complies with the intent of this Ordinance.

#### Section 17.3: Definitions

As used in this Ordinance, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

ABANDONMENT means the discontinuation of use for a period of twelve (12) months.

CLASS 1 LIGHTING means all outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

CLASS 2 LIGHTING means all outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination of the grounds is the primary concern.

CLASS 3 LIGHTING means any outdoor lighting used for decorative effects, including but not limited to architectural illumination, flag and monument lighting, and illumination of trees, bushes, landscape features, etc.

DEVELOPMENT PROJECT means any residential, commercial, industrial, institutional or mixed use subdivision plan or development plan which is submitted to the Town for approval.

DIRECT ILLUMINATION means illumination resulting from light emitted directly from a lamp or luminary, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

FULLY SHIELDED FIXTURE means a light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminary, is projected below the horizontal.

A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube *is not* fully shielded.

Note for luminous (neon) tubes: when such lighting is installed under or behind a roof overhang, if the roof-line or eave is not horizontal the tubing may be visible from above when viewed from the side and therefore be unshielded.

HIGH-PRESSURE SODIUM (HPS) is a type of lamp using sodium and mercury vapor at high pressure to produce light.

INSTALLED means attached, or fixed in place, whether or not connected to a power source.

LIGHT POLLUTION is any adverse effect of manmade lighting; light where it is not needed or wanted; or wasted light.

LOW-PRESSURE SODIUM (LPS) is a type of lamp using sodium vapor at low pressure to produce light.

LUMEN is the unit used to measure the actual amount of visible light that is produced by a lamp.

LUMINARY means the complete lighting assembly, including the lamp, housing, shields, lenses and associated electronics, less the support assembly. A light fixture.

LUMINOUS TUBE means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses) usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A "neon" tube. Does not include common fluorescent tubes.



**METAL HALIDE (MH)** is a type of lamp using mercury and metal halide(s) to produce light.

**NEON TUBE** (see Luminous Tube)

**OUTDOOR LIGHT FIXTURE** means an outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp, luminous tube or similar devices, either permanently installed or portable, which is used for illumination or advertisement. Such devices shall include, but are not limited to , search, spot and flood lights for:

- (a) Buildings and structures
- (b) Recreational areas
- (c) Parking lot lighting
- (d) Landscape and architectural lighting
- (e) Billboards and other signs (advertising or other)
- (f) Street lighting
- (g) Product display area lighting
- (h) Building overhangs and open canopies
- (i) Pedestrian walkways or areas
- (j) Building or landscape decoration

**OUTDOOR RECREATION FACILITY** means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

**PERSON** means any individual, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture, or corporation.

**TEMPORARY LIGHTING** means lighting which does not conform to the provisions of this Ordinance and which will not be used for more than one thirty (30) day period within a calendar year. Temporary lighting is intended to uses which by their nature are of limited duration; e.g. civic events, or construction projects.

**TOTAL OUTDOOR LIGHT OUTPUT** means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a project site. Includes all lights and luminous tubing used for Class 1, Class 2, Class 3 lighting, and lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as high pressure sodium, metal halide and fluorescent), the initial output, as defined by the manufacturer, is the value to be considered. For luminous tubes, output is calculated per linear foot of tubing rather than per lamp.

#### **Section 17.4: Preferred Source and Use Preference**

- A. **Preferred Source:** Low-pressure Sodium (LPS) lamps are the preferred source; their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property.

- B. Day/Night Uses: Uses which can turn off their outdoor lighting during night hours are to be encouraged; those which require all night illumination are to be discouraged.

**Section 17.5: General Requirements**

- A. **Upward-directed Floodlighting**: Outdoor floodlighting by flood light projection above the horizontal plane is prohibited.
- B. The requirements for lamp source and shielding of light emissions for outdoor light fixtures are as follows:

**Class 1, Class 2 and Class 3 Lighting:**

|                          |                         |
|--------------------------|-------------------------|
| Low-Pressure Sodium      | Allowed, Fully Shielded |
| Others above 2500 lumens | Prohibited              |
| Others below 2500 lumens | Allowed, Fully Shielded |

**Residential Lighting (all classes):**

|           |                         |
|-----------|-------------------------|
| All types | Allowed, Fully Shielded |
|-----------|-------------------------|

Examples of lamp types of 2000 (1000) lumens and below (The acceptability of a particular light is decided by its lumen output, not wattage; values listed are approximate; check manufacturer's specifications):

- (a) 100 (60) Watt Standard incandescent and less
- (b) 100 (60) Watt Tungsten- Halogen (quartz) and less
- (c) No available High-Pressure Sodium or Metal Halide
- (d) 25 (15) Watt Fluorescent and less
- (e) 26 (13) Watt Compact Fluorescent and less

- C. **Total Outdoor Light Output**: Total Outdoor Light Output, excluding streetlights used to illuminate public rights-of-way, shall not exceed the following limits over the entire project (values listed are total initial lamp lumens per acre and per residence):

**Commercial, Industrial and Multi-family Land Use (lumens per acre)**

|            |        |
|------------|--------|
| Total      | 25,000 |
| Unshielded | 0      |
| Non-LPS    | 2,500  |

**Single-family Residential (lumens per residence)**

|            |        |
|------------|--------|
| Total      | 10,000 |
| Unshielded | 0      |

**Note:** Fixtures installed such that all parts of the fixture are located underneath and at least five feet from the nearest edge of a building overhang, roof eave, or balcony are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output.

- D. **Effective Shielding:** All light fixtures which are required to be shielded shall be installed in such a manner that the shielding is effective as defined in Section 17.3 under Fully Shielded Fixture and Partially Shielded Fixture.
- E. **Direct Lighting on Site:** All light fixtures, except streetlamps, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source as much as is feasible.
- F. **Direct lighting on Roadways:** All light fixtures, except streetlamps, shall be installed in such a manner that the direct illumination does not fall onto any public or private street or road as much as is feasible.
- G. **Curfew:** Class 1 and Class 3 lighting and lighted signs must be extinguished at 11:00 PM, or no later than 30 minutes after the business closes, whichever is later (for holiday decoration exemption see 17.8.B)
- H. **High-Intensity Lights:** Search lights, laser source lights, or similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction.
- I. **Mercury Vapor Sales:** The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting is prohibited.

#### **Section 17.6: Special Requirements, Outdoor Advertising Signs**

- A. **Externally illuminated Sign Standards:** External illumination for signs shall conform to all provisions of this Code. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of Section 17.5. All upward-directed sign lighting is prohibited.
- B. **Internally Illuminated Sign and Neon Sign Standards:**
  - 1. **Illumination of Copy and Background; Colors:** The sign face of an outdoor internally-illuminated advertising signs must be composed of illuminated text and symbols against an opaque (not illuminated) background. The colors of these elements are not restricted.
  - 2. **Exclusion of Lamp Outputs:** Lamps used for internal illumination of signs shall not be counted toward the lumen caps in Section 17.5.C

3. Neon Signs: Neon Signs shall be treated as internally illuminated signs for the purposes of this Code, and shall not have their luminous outputs counted toward the lumen caps in Section 17.5 C. Neon lighting extending beyond the area considered to be the sign area (as defined in the sign code of this jurisdiction) shall conform to all provisions of this Code. In particular, such lighting shall be treated as Class 3 (decorative) lighting and shall conform to the lumen caps and shielding standards of Section 17.5.
  4. Non-Sign Lighting: Other internally illuminated panels or decorations not considered to be signage according to the sign code of this jurisdiction (such as illuminated canopy margins or building faces), shall be considered decorative (Class 3) lighting, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards and lumens per acre caps of Section 17.5.
- C. Curfews: Illumination for all advertising signs, both externally and internally illuminated, shall be turned off no later than the curfew time provided in Section 17.5.G or when the business closes, whichever is later. Signs subject to the curfews are required to have functioning and properly adjusted automatic shut-off timers.
- D. Curfews for Pre-Existing Signs: Light background (white, off-white, light grey, cream or yellow) internally illuminated signs, installed before the enactment of this Code (April 20, 2011) may continue to be used and illuminated but must conform to the curfews of Section 17.5.G.

#### Section 17.7: Special Requirements, Special Uses

- A. Service Station Canopies:
1. Lighting Class: Lighting for service station canopies shall be considered Class 1 lighting.
  2. Shielding: All luminaries mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
  3. Total Under-Canopy Output: The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed twenty (20) lumens per square foot of canopy. All lighting mounted under the canopy, including but not limited to luminaries mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full lumen output.
  4. Inclusion Toward Total Outdoor Light Output: The lumen output of lamps mounted on or within the lower surface of a canopy is also included toward the lumen caps in Section 17.5.C as follows:
    - a. fixtures installed such that any part of the fixture is five feet or less from the nearest edge of the canopy are to be included in the total outdoor light output by simply adding the lumen outputs of the lamps used;
    - b. fixtures installed such that all parts of the fixture are located at least five feet but less than 10 feet from the nearest edge of the canopy are to be included in the total

outdoor light output as though they produced only one-quarter of the lamp's rated lumen output;

- c. fixtures installed such that all parts of the fixture are located ten or more feet from the nearest edge of a canopy are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated lumen output.

**B. Outdoor Recreation Facilities:**

1. Lighting Class: Lighting for field/track/arena areas only shall be considered Class 1.
2. Lumen Cap Exemption: Lighting for field/track/arena areas only is not subject to the lumens per acre limit set in subsection 17.5.C.
3. Shielding: Fixtures for field/track/arena areas must be fully shielded.
4. Curfew: No such facility shall be illuminated after the curfew time listed here except to conclude a scheduled recreational or sporting event in progress prior to the curfew, and prevented from concluding before the curfew by unforeseeable circumstances.

**Section 17.8: Exemptions:**

- A. Airports: Airport navigation lighting systems are exempt from the provisions of this Ordinance. All other lighting at airports, including that used for loading areas, hangars, terminal aprons, parking areas, etc., shall conform to all applicable standards of this Ordinance.
- B. Holiday Decorations: Low-wattage holiday decorations are exempt from the provisions of this Ordinance from November 15 through January 15. Such lighting and all associated wiring used outdoors must be certified for outdoor use by Underwriters Laboratories.
- C. Streetlamps: Streetlamps installed in the public right-of-way and with the approval of the town Council are exempt from the provisions of this Ordinance.

**Section 17.9: Temporary Light Permits**

- A. Findings: The Town Manager may grant a permit for temporary lighting if he/she finds the following:
  1. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days; and
  2. The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible; and
  3. The proposed lighting will comply with the general intent of this Ordinance; and
  4. The permit will be in the public interest.
- B. Application Contents: The application for the Temporary Lighting Permit shall include the following information:
  1. Name and address of applicant and property owner;

2. Location of proposed fixtures;
3. Type, wattage and lumen output of lamp(s);
4. Type, shielding and use of proposed fixtures;
5. Intended use of the lighting;
6. Duration of time for requested exemption;
7. The nature of the exemption;
8. Such other information as the Town Manager may request.

- C. The Town Manager shall endeavor to rule on the application within five (5) business days from the date of submission of the request and notify the applicant in writing of his/her decision. The Town Manager may grant one (1) renewal of the permit for an additional thirty (30) days if he/she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Town Manager is not authorized to grant more than one temporary permit and one renewal for the same property within one calendar year. A denial by the Town Manager may be appealed to the Planning and Zoning Commission within thirty (30) days.

#### Section 17.10: Nonconforming Uses

- A. Mercury Vapor: Mercury vapor lamps are not allowed in use for outdoor lighting after the effective date of this Ordinance.
- B. Bottom-mounted Sign Lighting: Bottom-mounted outdoor advertising sign lighting shall not be used after the effective date of this Ordinance.
- C. Pre-existing Non-conforming Lighting: No outdoor lighting fixture which was lawfully installed prior to the enactment of this Ordinance shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Ordinance.
- D. Conformance after Abandonment/Damage: In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Ordinance.

#### Section 17.11: Variances

Any person desiring to install an outdoor lighting fixture in violation of this Ordinance may apply to the Board of Adjustment for a variance from the regulation in question. Such variances shall be allowed due to special circumstances applicable to the subject property and where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Ordinance. Provided that any variance may be allowed subject to any reasonable conditions that the Board may deem necessary to effectuate the purpose of this Chapter.

## Section 17.12; Permits and Development Plan Reviews

### A. Non-Single Family Residential Lighting:

1. Permit Required: Whenever a person plans to install outdoor lighting, an outdoor lighting permit must be applied for and granted. The applicant shall, as a part of said application, submit sufficient information to enable a determination as to whether the proposed lighting will comply with this Ordinance.
2. Application Contents: The application shall include the following:
  - a. A site plan indicating any existing lighting fixtures and the proposed location of all new outdoor lighting fixtures, indicating which of the existing fixtures, if any, are to be retained and which, if any, removed;
  - b. A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs. For existing lighting, photographs of the fixtures will be accepted if original manufacturer's information is not available;
  - c. Such other information as may be necessary to determine compliance with this Ordinance.
3. Permit Issuance: If the Town Manager or a representative of the Town Manager acting on behalf of the Town determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.

### B. Single Family Residential Lighting:

1. Lighting Reviewed: Lighting on single family residential sites will be reviewed on-site, and compliance with this Code verified before issuance of the Certificate of Occupancy. A lighting permit separate from the building permit is not required.





## SECTION 17: LIGHTING

### Section 17.0: Purpose and Intent

#### Legislative Intent

- A. It is hereby found that the topography and atmospheric conditions of Coconino County, Arizona, are uniquely suited for astronomical observation, that a substantial investment has been made in observatories in the County, and that the use of certain types of outdoor lights and certain outdoor lighting practices have an adverse impact on astronomical observation. It is further recognized that naturally dark landscapes and star-filled skies are valued by many, and that poor lighting practices in outdoor lighting waste energy, hamper the reasonable use and enjoyment of property and can endanger the public welfare by producing unnecessary glare.
- B. Accordingly, it is the intent of this Ordinance to encourage lighting practices and systems which will minimize light pollution, light trespass, and conserve energy while maintaining night-time safety, utility, security and productivity. Since not all areas in the County are near established observatories, four Lighting Zones are established, allowing increased flexibility in the uses of outdoor lighting further from the observatories.
- C. There may be other areas that are worthy of designation where protection of the night sky is deemed to be highly important, and where the establishment of more restrictive Lighting Zones is desired.

### Section 17.1: Conflicting Regulations

- A. In the event of conflict between the regulations set forth in this Ordinance and any other regulations applicable to the same area, the more stringent limitation and requirement shall govern.

### Section 17.2: Approved Materials and Methods of Construction or Installation/Operation

- A. The provisions of this Ordinance are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved by the Community Development Director. The Community Development Director may approve any such proposed alternate provided he/she finds that it:
  1. Provides at least approximate equivalence to the applicable specific requirements of this Ordinance; and
  2. Is otherwise satisfactory and complies with the intent of this Ordinance.

### Section 17.3: Definitions

As used in this Ordinance, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

ABANDONMENT means the discontinuation of use for a period of six months.

Revised: 3/89, 12/97, 12/01

**CLASS 1 LIGHTING** means all outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where **COLOR RENDITION IS IMPORTANT** to preserve the effectiveness of the activity.

**CLASS 2 LIGHTING** means all outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots and outdoor security where **GENERAL ILLUMINATION** of the grounds is the primary concern.

**CLASS 3 LIGHTING** means any outdoor lighting used for **DECORATIVE** effects, including but not limited to architectural illumination, flag and monument lighting, and illumination of trees, bushes, landscape features, etc.

**COMMUNITY DEVELOPMENT DIRECTOR** means the Director of Community Development for Coconino County.

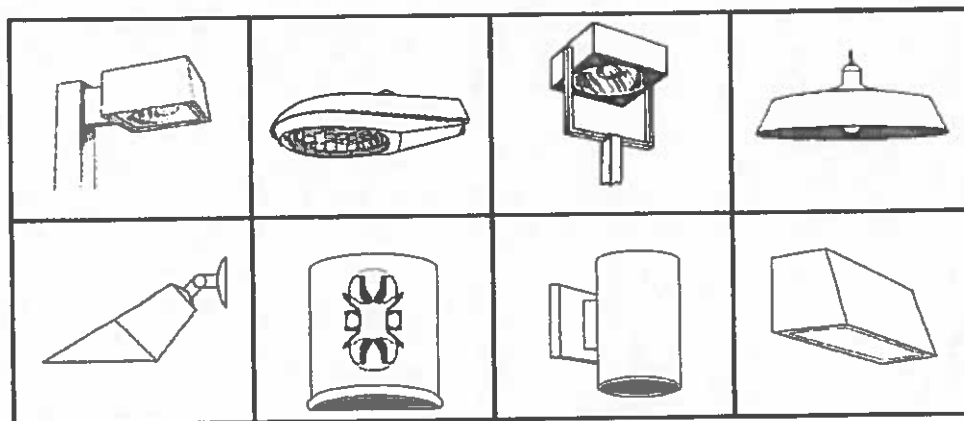
**DEVELOPMENT PROJECT** means any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the County for approval.

**DIRECT ILLUMINATION** means illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

**FULLY SHIELDED FIXTURE** means a light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

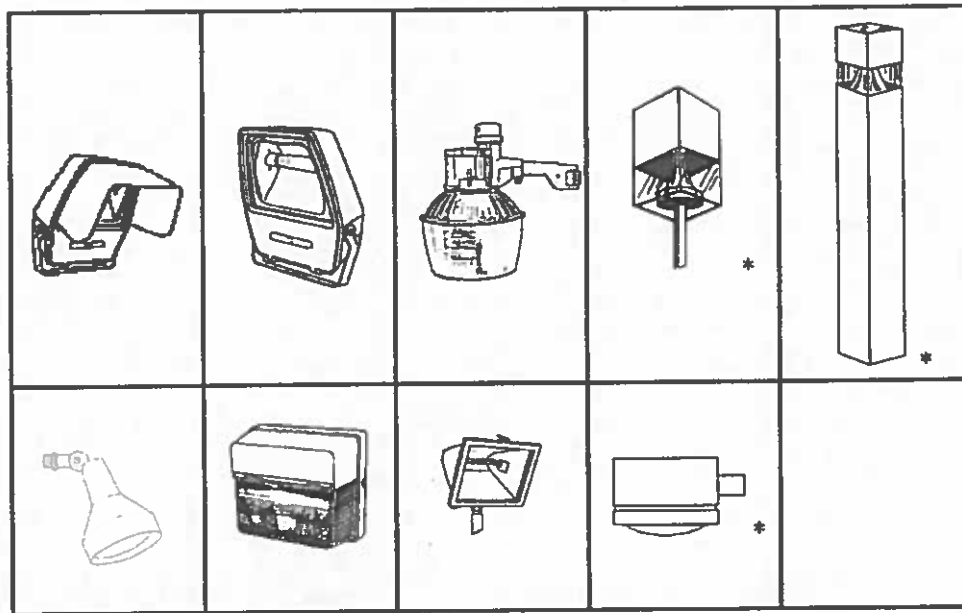
A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube *is not* fully shielded.

Examples of fixtures that are Fully Shielded (Note: to be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal):



Revised: 3/89, 12/01

Examples of fixtures that are NOT Fully Shielded:



\* Note: even though the lamp in these fixtures is shielded from direct view when viewed from the side or above, reflective surfaces and/or lens covers *are* directly visible from the side.

Note for luminous (neon) tubes: when such lighting is installed under or behind a roof overhang, if the roof-line or eave is not horizontal the tubing may be visible from above when viewed from the side and therefore be unshielded.

HIGH-PRESSURE SODIUM is a type of lamp using sodium and mercury vapor at high pressure to produce light.

HPS = high-pressure sodium.

INSTALLED means attached, or fixed in place, whether or not connected to a power source.

LIGHT POLLUTION is any adverse effect of manmade lighting; light where it is not needed or wanted; wasted light.

LOW-PRESSURE SODIUM is a type of lamp using sodium vapor at low pressure to produce light.

LPS = low-pressure sodium.

LUMEN is the unit used to measure the actual amount of visible light that is produced by a lamp.

LUMINAIRE means the complete lighting assembly, including the lamp, housing, shields, lenses and associated electronics, less the support assembly. A light fixture.

Revised: 3/89, 12/01

LUMINOUS TUBE means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A "neon" tube. Does not include common fluorescent tubes.

METAL HALIDE is a type of lamp using mercury and metal halide(s) to produce light.

MH = metal halide.

NEON TUBE (see Luminous Tube)

OUTDOOR LIGHT FIXTURE means an outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp, luminous tube or and similar devices, either permanently installed or portable, which is used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:

- (a) buildings and structures
- (b) recreational areas
- (c) parking lot lighting
- (d) landscape and architectural lighting
- (e) billboards and other signs (advertising or other)
- (f) street lighting
- (g) product display area lighting
- (h) building overhangs and open canopies
- (i) pedestrian walkways or areas
- (j) building or landscape decoration

OUTDOOR RECREATION FACILITY means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

PERSON means any individual, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture, or corporation.

TEMPORARY LIGHTING means lighting which does not conform to the provisions of this Ordinance and which will not be used for more than one thirty (30) day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration; e.g. civic events, or construction projects.

TOTAL OUTDOOR LIGHT OUTPUT means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a project site. Includes all lights and luminous tubing used for Class 1, Class 2, Class 3 lighting, and lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as high pressure sodium, metal halide, and fluorescent), the initial output, as defined by the manufacturer, is the value to be considered. For luminous tubes, output is calculated per linear foot of tubing rather than per lamp.

Revised: 3/89, 12/01

#### Section 17.4: Establishment of Astronomical Zones

- A. **Lighting Zones:** Different areas, with different developed and natural conditions, and different distances from astronomical observatories, have differing levels of appropriate light usage, and different sensitivities to the various obtrusive aspects of outdoor light usage. Because of this, three Lighting Zones are hereby defined and established. These Zones are shown on the Lighting Zone Maps that are attached hereto as Map 1a and Map 1b and by this reference made a part hereof. In general, these Zones are described as follows:
1. **Zone I:** all area within Coconino County located within two-point-five (2.5) miles of the following locations:
    - a. The Hall telescope at Lowell Observatory on Anderson Mesa
    - b. The Kaj Strand telescope at the U.S. Naval Observatory
    - c. Roden Crater
  2. **Zone II:** all areas within Coconino County more than two-point-five miles yet less than seven (7) miles from the locations listed in part 17.4.A.1 above.
  3. **Zone III:** all other areas within Coconino County.
- B. **Split Parcels:** A parcel located in more than one of the described Lighting Zones shall be considered to be only in the more restrictive Lighting Zone.

#### Section 17.5: Preferred Source and Zone I Use Preference

- A. **Preferred Source:** Low-pressure Sodium (LPS) lamps are the preferred illumination source throughout the County; their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property.
- B. **Day/Night Uses:** Uses which can turn off their outdoor lighting during night hours are to be encouraged in Lighting Zone I; those which require all night illumination are to be discouraged.

#### Section 17.6: General Requirements, all Zones

- A. **Upward-directed Floodlighting:** Outdoor floodlighting by flood light projection above the horizontal plane is prohibited.
- B. The requirements for lamp source and shielding of light emissions for outdoor light fixtures are as follows:

**Use Code:**

- A = allowed  
F = allowed, fully shielded  
X = prohibited

Revised: 3/89, 12/97, 12/01

**Table 17.6.B  
Lamp Type and Shielding Standards**

| LAMP TYPE                                  | ZONE I | ZONE II | ZONE III |
|--|--------|---------|----------|
| <b>Class 1 Lighting:</b>                   |        |         |          |
| Low-pressure Sodium                        | F      | F       | F        |
| Others above 2500 lumens (1)               | X      | F       | F        |
| Others below 2500 lumens (1)               | F      | F       | A(2,3)   |
| <b>Class 2 Lighting:</b>                   |        |         |          |
| Low-pressure Sodium                        | F      | F       | F        |
| Others above 2500 lumens (1)               | X      | X       | X        |
| Others below 2500 lumens (1)               | F      | F       | A(2,3)   |
| <b>Class 3 Lighting:</b>                   |        |         |          |
| Low-pressure Sodium                        | F      | F       | F        |
| Others above 2500 lumens (1)               | X      | X       | F        |
| Others below 2500 lumens (1)               | F      | A(2,3)  | A(2,3)   |
| <b>Residential Lighting (all classes):</b> |        |         |          |
| All types over 1000 lumens (1)             | F      | F       | F        |
| All types below 1000 lumens (1)            | F      | A(2,4)  | A(2,4)   |

**Note 1.** Examples of lamp types of 2000 (1000) lumens and below (The acceptability of a particular light is decided by its lumen output, not wattage; values listed are approximate; check manufacturer's specifications):

- (a) 100 (60) Watt Standard incandescent and less
- (b) 100 (60) Watt Tungsten-Halogen (quartz) and less
- (c) No available High-pressure Sodium or Metal Halide
- (d) 25 (15) Watt Fluorescent and less
- (e) 26 (13) Watt Compact Fluorescent and less

**Note 2.** Lights shall be shielded whenever feasible to minimize light spilled into the night sky or adjacent properties.

**Note 3.** Unshielded lighting is limited to a total of 3000 lumens per acre on non-residential and multi-family residential land uses; 2000 lumens per residence on single-family residential properties.

**Note 4.** For single-family residential uses, unshielded fixtures up to 2000 lumens output per lamp and a total of 8000 lumens per residence are permitted if used in functioning motion-sensing fixtures that remain on for short periods only.

**C. Total Outdoor Light Output:** Total Outdoor Light Output, excluding streetlights used to illuminate public rights-of-way, shall not exceed the following limits averaged over the entire project (values listed are total initial lamp lumens per acre and per residence):

Revised: 3/89, 12/01

**Table 17.6.C**  
**Maximum Total Outdoor Light Output Standards**  
 (values listed are lumens per acre and lumens per residence)

| Land Use  | Lighting Zone |        |         |
|---|---------------|--------|---------|
|   | I             | II     | III     |
| Commercial, Industrial, and Multifamily (lumens per acre) |               |        |         |
| total (shielded + unshielded)                             | 25,000        | 50,000 | 100,000 |
| unshielded only   | 0             | 3,000  | 3,000   |
| Non-LPS   | 2,500         | 50,000 | 100,000 |
| Single-family Residential (lumens per residence)          |               |        |         |
| total (shielded + unshielded)                             | 10,000        | 30,000 | 30,000  |
| unshielded only   | 0             | 30,000 | 30,000  |

Note 1. Fixtures installed such that all parts of the fixture are located underneath and at least five feet from the nearest edge of a building overhang, roof eave, or balcony are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output.

- D. Effective Shielding: All light fixtures which are required to be shielded shall be installed in such a manner that the shielding is effective as defined in Section 17.3 under Fully Shielded Fixture and Partially Shielded Fixture.
- E. Direct Lighting on Site: All light fixtures, except streetlamps, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source as much as is feasible.
- F. Direct Lighting off Roadways: All light fixtures, except streetlamps, shall be installed in such a manner that the direct illumination does not fall onto any public or private street or road as much as is feasible.
- G. Curfews: Class 1 and Class 3 lighting must be extinguished at the curfew times listed in Table 17.6.G, or no later than 30 minutes after the business closes, whichever is later (for holiday decoration exemption see 17.9.B):

**Table 17.6.G**  
**Lighting Curfews**  
 (Sports, Class 1, Class 3, Signs)

| Lighting Zone |         |         |
|---------------|---------|---------|
| I             | II      | III     |
| 9:00pm        | 10:00pm | 11:00pm |

- H. High-Intensity Lights: Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction.
- I. Mercury Vapor Sales: The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting is prohibited, except that until 1 January 2006, the provisions of this subsection shall not apply to any replacement lamp. Revised: 3/89, 12/01, 8/02

## Section 17.7: Special Requirements, Outdoor Advertising Signs

- A. Externally Illuminated Sign Standards: External illumination for signs shall conform to all provisions of this Code. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of Section 17.6. All upward-directed sign lighting is prohibited.
- B. Internally Illuminated Sign and Neon Sign Standards:
1. Illumination of Copy and Background; Colors: Outdoor internally-illuminated advertising signs must be constructed as follows:
    - a. In Lighting Zone I: the sign face(s) must be composed of illuminated text and symbols against an opaque (unilluminated) background. The colors of these elements are not restricted.
    - b. In Lighting Zones II and III: the sign face(s) must be either composed of illuminated text and symbols against an opaque background or with generally LIGHTER text and symbols against a colored (not white, off-white, light gray, cream or yellow) background.
  2. Exclusion of Lamp Outputs: Lamps used for internal illumination of signs shall not be counted toward the lumen caps in Section 17.6.C.
  3. Neon Signs: Neon signs shall be treated as internally illuminated signs for the purposes of this Code, and shall not have their luminous outputs counted toward the lumen caps in Section 17.6.C. Neon lighting extending beyond the area considered to be the sign area (as defined in the Sign Code of this jurisdiction) shall conform to all provisions of this Code. In particular, such lighting shall be treated as Class 3 (decorative) lighting and shall conform to the lumen caps and shielding standards of Section 17.6.
  4. Non-Sign Lighting: Other internally-illuminated panels or decorations not considered to be signage according to the sign code of this jurisdiction (such as illuminated canopy margins or building faces), shall be considered decorative (Class 3) lighting, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards and lumens per acre caps of Section 17.6.
- C. Curfews: Illumination for all advertising signs, both externally and internally illuminated, shall be turned off no later than the curfew times listed in Table 17.6.G or when the business closes, whichever is later. Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers.
- D. Curfews for Pre-Existing Signs: Light background (white, off-white, light gray, cream or yellow) internally illuminated signs, installed legally before enactment of this code [December 18, 2001], may continue to be used and illuminated but must conform to the curfews of Section 17.6.G.

Revised: 3/89, 12/01



## Section 17.8: Special Requirements, Special Uses

### A. Service Station Canopies:

1. Lighting Class: Lighting for service station canopies shall be considered Class I lighting.
2. Shielding: All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
3. Total Under-Canopy Output: The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed sixty (60) lumens per square foot of canopy in Lighting Zone II and III, and shall not exceed twenty (20) lumens per square foot in Lighting Zone I (note: these values are *not* footcandle illuminances). All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.
4. Inclusion Toward Total Outdoor Light Output: The lumen output of lamps mounted on or within the lower surface of a canopy is also included toward the lumen caps in Section 17.6.C as follows:
  - a. fixtures installed such that any part of the fixture is five feet or less from the nearest edge of the canopy are to be included in the total outdoor light output by simply adding the lumen outputs of the lamps used;
  - b. fixtures installed such that all parts of the fixture are located at least five feet but less than 10 feet from the nearest edge of the canopy are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output;
  - c. fixtures installed such that all parts of the fixture are located ten or more feet from the nearest edge of a canopy are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated lumen output.

### B. Outdoor Recreational Facilities:

1. Lighting Class: Lighting for field/track/arena areas only shall be considered Class 1.
2. Lumen Cap Exemption: Lighting for field/track/arena areas only is not subject to the lumens per acre limit set in subsection 17.6.C.
3. Shielding: Fixtures used for field/track/arena areas must be fully shielded.
4. Curfew: No such facility shall be illuminated after the curfew times listed here except to conclude a scheduled recreational or sporting event in progress prior to the curfew, and prevented from concluding before the curfew by unforeseeable circumstances.

Revised: 3/89, 12/01

#### Section 17.9:

- A. Airports: Airport navigation lighting systems are exempt from the provisions of this Ordinance. All other lighting at airports, including that used for loading areas, hangars, terminal aprons, parking areas, etc., shall conform to all applicable standards of this Ordinance.
- B. Holiday Decorations: Low-wattage holiday decorations are exempt from the provisions of this Ordinance from 15 November through 15 January. Such lighting and all associated wiring used outdoors must be certified for outdoor use by Underwriters Laboratories.

#### Section 17.10: Temporary Lighting Permits

- A. Findings: The Community Development Director may grant a permit for temporary lighting if he/she finds the following:
  - 1. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days; and
  - 2. The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible; and
  - 3. The proposed lighting will comply with the general intent of this Ordinance; and
  - 4. The permit will be in the public interest.
- B. Application Contents: The application for the Temporary Lighting Permit shall include the following information:
  - 1. Name and address of applicant and property owner;
  - 2. Location of proposed fixtures;
  - 3. Type, wattage and lumen output of lamp(s);
  - 4. Type, shielding and use of proposed fixtures;
  - 5. Intended use of the lighting;
  - 6. Duration of time for requested exemption;
  - 7. The nature of the exemption;
  - 8. Such other information as the Community Development Director may request.
- C. The Community Development Director shall endeavor to rule on the application within five (5) business days from the date of submission of the request and notify the applicant in writing of his/her decision. The Community Development Director may grant one (1) renewal of the permit for an additional thirty (30) days if he/she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Community Development Director is not authorized to grant more than one temporary permit and one renewal for the same property within one calendar year. A denial by the Director may be appealed to the Planning and Zoning Commission within 30 days.

#### Section 17.11: Nonconforming Uses

- A. Mercury Vapor: Mercury vapor lamps in use for outdoor lighting on the effective date of this Ordinance shall not be so used after 1 May 2006.

Revised: 3/89, 12/01

- B. Bottom-mounted Sign Lighting: Bottom-mounted outdoor advertising sign lighting shall not be used in Zones I, II and III after 1 May 1996.
- C. Pre-existing Non-conforming Lighting: No outdoor lighting fixture which was lawfully installed prior to the enactment of this Ordinance shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this Ordinance.
- D. Conformance after Abandonment/Damage: In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Ordinance.

#### Section 17.12: Variances

Any person desiring to install an outdoor lighting fixture in violation of this Ordinance may apply to the Board of Adjustment for a variance from the regulation in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Ordinance. Provided, that any variance may be allowed subject to any reasonable conditions that the Board may deem necessary to effectuate the purpose of this chapter.

#### Section 17.13: Permits and Development Plan Reviews

##### A. Non-Single Family Residential Lighting:

1. Permit Required: Whenever a person plans to install outdoor lighting, an outdoor lighting permit must be applied for and granted. The applicant shall, as a part of said application, submit sufficient information to enable the Community Development Director to determine whether the proposed lighting will comply with this Ordinance.
2. Application Contents: The application shall include the following:
  - a. A site plan indicating any existing lighting fixtures and the proposed location of all new outdoor lighting fixtures, indicating which of the existing fixtures, if any, are to be retained and which, if any, removed;
  - b. A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs. For existing lighting, photographs of the fixtures will be accepted if original manufacturer's information is not available;
  - c. Such other information as the Community Development Director may determine is necessary to ensure compliance with this Ordinance.
3. Permit Issuance: If the Community Development Director determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.

Revised: 3/89, 12/01



Bldg 395 Highway 64  
PO Box 3665  
Tusayan, AZ 86023

March 24, 2011

Planning & Zoning Commission  
Town of Tusayan

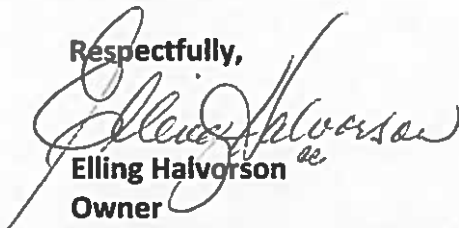
As an owner in the Western Discovery Museum LLC dba Wild West Experience, I hereby authorize Clayann Cook (General Manager) to act on our behalf with regards to your needs and requirements.

We formally ask for a continuance of our amendment application to our current CUP application for an additional 2 weeks. We are prepared to meet with the Commission on April 7<sup>th</sup>, 2011.

We would like to hold a Citizen's Participation Meeting on Wednesday, March 30<sup>th</sup>, 2011 from 2pm to 5 pm. We will be happy to meet with any of the adjacent property owners and other interested parties during this time.

Thank you in advance for your time.

Respectfully,



Elling Halvorson

Owner

Western Discovery Museum LLC  
Dba Wild West Experience



Bldg 395 Highway 64  
PO Box 3665  
Tusayan, AZ 86023

**March 24, 2011**

**Red Feather Properties**

**Attn: Bess Foster, Clarinda Vail, John Thurston, Chris Thurston**

**PO Box 1460**

**Grand Canyon, AZ 86023**

**Western Discovery Museum LLC dba Wild West Experience is requesting an amendment to our current CUP.**

**We are holding a Citizen's Participation Meeting on Wednesday, March 30<sup>th</sup>, 2011 from 2pm to 5 pm at the Western Discovery Museum building. We will be happy to meet with you and any of the adjacent property owners and other interested parties during this time.**

**Thank you in advance for your time.**

**Respectfully,**

**Clayann Cook**

**General Manager**

**Western Discovery Museum LLC**

**Dbas Wild West Experience**



Bldg 395 Highway 64  
PO Box 3665  
Tusayan, AZ 86023

**March 24, 2011**

**Logan Luca LLC  
Grand Canyon Camper Village  
Attn: John Reuter  
PO Box 3392  
Grand Canyon, AZ 86023**

**Western Discovery Museum LLC dba Wild West Experience is requesting an amendment to our current CUP.**

**We are holding a Citizen's Participation Meeting on Wednesday, March 30<sup>th</sup>, 2011 from 2pm to 5 pm at the Western Discovery Museum building. We will be happy to meet with you and any of the adjacent property owners and other interested parties during this time.**

**Thank you in advance for your time.**

**Respectfully,**

**Clayann Cook  
General Manager  
Western Discovery Museum LLC  
Db a Wild West Experience**



Bldg 395 Highway 64  
PO Box 3665  
Tusayan, AZ 86023

**March 24, 2011**

**Destination Cinema – IMAX  
Attn: Brent Kok  
PO Box 3309  
Grand Canyon, AZ 86023**

**Western Discovery Museum LLC dba Wild West Experience is requesting an amendment to our current CUP.**

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**Thank you in advance for your time.**

**Respectfully,**

**Clayann Cook  
General Manager  
Western Discovery Museum LLC  
Dbas Wild West Experience**



Bldg 395 Highway 64  
PO Box 3665  
Tusayan, AZ 86023

**March 24, 2011**

**GLC Restaurants  
Attn: Greg Cook  
2310 N. Fourth St.  
Flagstaff, AZ 86004**

**Western Discovery Museum LLC dba Wild West Experience is requesting an amendment to our current CUP.**

**We are holding a Citizen's Participation Meeting on Wednesday, March 30<sup>th</sup>, 2011 from 2pm to 5 pm at the Western Discovery Museum building. We will be happy to meet with you and any of the adjacent property owners and other interested parties during this time.**

**Thank you in advance for your time.**

**Respectfully,**

**Clayann Cook  
General Manager  
Western Discovery Museum LLC  
Dba Wild West Experience**





Bldg 395 Highway 64  
PO Box 3665  
Tusayan, AZ 86023

**March 24, 2011**

**The Grand Hotel  
Attn: Mike Rock  
PO Box 3319  
Grand Canyon, AZ 86023**

**Western Discovery Museum LLC dba Wild West Experience is requesting an amendment to our current CUP.**

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**Thank you in advance for your time.**

**Respectfully,**

**Clayann Cook  
General Manager  
Western Discovery Museum LLC  
Dbas Wild West Experience**



Bldg 395 Highway 64  
PO Box 3665  
Tusayan, AZ 86023

**March 24, 2011**

**Cecily Maniaci  
Crimson Partners  
PO Box 1808  
Grand Canyon, AZ 86023**

**Western Discovery Museum LLC dba Wild West Experience is requesting an amendment to our current CUP.**

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**Thank you in advance for your time.**

**Respectfully,**

**Clayann Cook  
General Manager  
Western Discovery Museum LLC  
Dbas Wild West Experience**



Bldg 395 Highway 64  
PO Box 3665  
Tusayan, AZ 86023

**March 24, 2011**

**GLC Restaurants  
Attn: Raphael Valbuena - Manager  
PO Box 3026  
Grand Canyon, AZ 86023**

**Western Discovery Museum LLC dba Wild West Experience is requesting an amendment to our current CUP.**

**We are holding a Citizen's Participation Meeting on Wednesday, March 30<sup>th</sup>, 2011 from 2pm to 5 pm at the Western Discovery Museum building. We will be happy to meet with you and any of the adjacent property owners and other interested parties during this time.**

**Thank you in advance for your time.**

**Respectfully,**

**Clayann Cook  
General Manager  
Western Discovery Museum LLC  
Dbas Wild West Experience**